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ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1966.
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THE TITLES IN THE ACT WHICH ARE AMENDED DEAL WITH FINANCIAL ASSISTANCE FOR THE EDUCATION OF CHILDREN FROM LOW-INCOME FAMILIES, APPROPRIATIONS FOR SCHOOL LIBRARY RESOURCES FOR OTHER INSTRUCTIONAL MATERIALS, AND SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES. ALSO COVERED ARE GRANTS FOR COOPERATIVE RESEARCH ACTIVITIES IN THE FIELD OF EDUCATION AND GRANTS TO STRENGTHEN STATE DEPARTMENTS OF EDUCATION. OTHER AMENDMENTS REGULATE GRANTS FOR PROGRAMS DESIGNED TO EDUCATE HANDICAPPED CHILDREN AND APPROPRIATIONS FOR THE PREPARATION AND DISSEMINATION OF RESEARCH INFORMATION. ADDITIONAL AMENDMENTS REFER TO PUBLIC LAWS AFFECTING EDUCATION IN FEDERALLY AFFECTED AREAS AND ADULT EDUCATION. THE LATTER IS CITED AS THE ADULT EDUCATION ACT 1966 AND INCLUDES A STATEMENT OF PURPOSE, DEFINITIONS, APPROPRIATIONS, AND PLANS FOR OPERATION. (MM)

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
OFFICE OF EDUCATION

Public Law 89-750
89th Congress, H. R. 13161
November 3, 1966

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80 STAT. 1191

An Act To amend and improve programs of assistance for elementary and secondary schools, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Elementary and Secondary Education Amendments of 1966". Elementary and Secondary Education Amendments of 1966.

TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

PART A—FINANCIAL ASSISTANCE TO EDUCATIONAL AGENCIES FOR THE EDUCATION OF CHILDREN OF LOW-INCOME FAMILIES

REVISION OF AUTHORIZATION

SEC. 101. Section 202 of the Act of September 30, 1950, Public Law 874, Eighty-first Congress, as amended, is amended to read as follows: 79 Stat. 27. 20 USC 241b.

"DURATION OF ASSISTANCE

"SEC. 202. The Commissioner shall, in accordance with the provisions of this title, make payments to State educational agencies for the period beginning July 1, 1965, and ending June 30, 1968."

GRANTS WITH RESPECT TO CERTAIN INDIAN CHILDREN

SEC. 102. Section 203(a)(1) of such Act of September 30, 1950, is amended to read as follows: 20 USC 241c.

"SEC. 203. (a)(1)(A) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph an amount equal to not more than 3 per centum of the amount appropriated for such year for payments to States under section 207(a) (other than payments under such section to jurisdictions excluded from the term 'State' by this subsection). The Commissioner shall allot the amount appropriated pursuant to this paragraph among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective need for such grants. In addition he shall allot from such amount to the Secretary of the Interior the amount necessary to make payments pursuant to subparagraph (B) of this paragraph, and for the fiscal year ending June 30, 1967, the amount necessary to meet the special educational needs of educationally deprived children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior. The maximum grant which a local educational agency in Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall be eligible to receive and the terms upon which payment shall be made to the Department of the Interior shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title. 20 USC 241g.

"(B) The terms on which payment shall be made to the Department of the Interior shall include provision for payments by the Secretary of the Interior to local educational agencies with respect to out-of-State Indian children in the elementary or secondary schools of such agencies under special contracts with that Department. The amount of any such payment may not exceed, for each such child,

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one-half the average per pupil expenditure in the State in which the agency is located."

PAYMENTS TO STATE EDUCATIONAL AGENCIES FOR ASSISTANCE IN EDUCATING MIGRATORY CHILDREN OF MIGRATORY AGRICULTURAL WORKERS

79 Stat. 28, 1161. 20 USC 241c.

SEC. 103. (a) Section 203(a) of such Act of September 30, 1950, is amended by inserting after paragraph (5) the following new paragraph:

"(6) A State educational agency which has submitted and had approved an application under section 205(c) for any fiscal year shall be entitled to receive a grant for that year under this title for establishing or improving programs for migratory children of migratory agricultural workers. The maximum total of grants which shall be available for use in any State for any fiscal year shall be an amount equal to the Federal percentage of the average per pupil expenditure in the United States multiplied by (A) the estimated number of such migratory children aged five to seventeen, inclusive, who reside in the State full time, and (B) the full-time equivalent of the estimated number of such migratory children aged five to seventeen, inclusive, who reside in the State part time, as determined by the Commissioner in accordance with regulations. For purposes of this paragraph, the 'average per pupil expenditure' in the United States shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all local educational agencies (as defined in section 303(6)(A)) in the United States (including only the fifty States and the District of Columbia), plus any direct current expenditures by States for operation of local educational agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year."

Post, p. 1198.

20 USC 241e.

(b) Section 205 of such Act is amended by adding the following new subsection at the end thereof:

"(c)(1) A State educational agency or a combination of such agencies may apply for a grant for any fiscal year under this title to establish or improve, either directly or through local educational agencies, programs of education for migratory children of migratory agricultural workers. The Commissioner may approve such an application only upon his determination—

"(A) that payments will be used for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) which are designed to meet the special educational needs of migratory children of migratory agricultural workers, and to coordinate these programs and projects with similar programs and projects in other States, including the transmittal of pertinent information with respect to school records of such children;

"(B) that in planning and carrying out programs and projects there has been and will be appropriate coordination with programs administered under part B of title III of the Economic Opportunity Act of 1964; and

79 Stat. 977. 42 USC 2861.

"(C) that such programs and projects will be administered and carried out in a manner consistent with the basic objectives of clauses (1)(B) and (2) through (8) of subsection (a), and of section 206(a).

Post, p. 1196. 20 USC 241f.

The Commissioner shall not finally disapprove an application of a State educational agency under this paragraph except after reasonable

notice and opportunity for a hearing to the State educational agency.

"(2) If the Commissioner determines that a State is unable or unwilling to conduct educational programs for migratory children of migratory agricultural workers, or that it would result in more efficient and economic administration, or that it would add substantially to the welfare or educational attainment of such children, he may make special arrangements with other public or nonprofit private agencies to carry out the purposes of this subsection in one or more States, and for this purpose he may set aside on an equitable basis and use all or part of the maximum total of grants available for such State or States."

(c)(1) The portion of section 206(a) of such Act which precedes clause (1) is amended by striking out "participate in the program of this title" and inserting in lieu thereof "participate under this title (except with respect to the program described in section 205(c) relating to migratory children of migratory agricultural workers)". 79 Stat. 31. 20 USC 241f. Ante, p. 1192.

(2) The first sentence of section 207(a)(1) of such Act is amended by inserting "it and" after "the amount which". 20 USC 241g.

(3) Section 210 of such Act is amended by striking out "section 206(b)" and inserting in lieu thereof "section 205(c) or 206(b)". 20 USC 241j.

(4) Section 211(a) of such Act is amended by striking out "section 206(a)" and inserting in lieu thereof "section 205(c) or 206(a)". 20 USC 241k.

PAYMENTS ON ACCOUNT OF NEGLECTED OR DELINQUENT CHILDREN

SEC. 104. (a) The first sentence of section 203(a)(2) of such Act of September 30, 1950, is amended by striking out all that follows "multiplied by" and substituting: "the number of children in the school district of such agency who are aged five to seventeen, inclusive, and are (A) in families having an annual income of less than the low-income factor (established pursuant to subsection (c)), (B) in families receiving an annual income in excess of the low-income factor (established pursuant to subsection (c)) from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, or (C) living in institutions for neglected or delinquent children but not counted pursuant to paragraph (5) of this subsection for the purpose of a grant to a State agency, or being supported in foster homes with public funds." 20 USC 241c. Post, p. 1194. 49 Stat. 627. 42 USC 601.

(b) The second sentence of such section 203(a)(2) is amended by striking out "the number of children of such ages and families in such county or counties" and inserting in lieu thereof "the number of children of such ages in such county or counties who are described in clause (A), (B), or (C) of the previous sentence,".

(c) Subsection (b) of section 203 of such Act is amended by—

(1) striking out, in the part which precedes paragraph (1), all that follows after "children aged five to seventeen, inclusive," and inserting in lieu thereof "described in clauses (A), (B), and (C) of the first sentence of paragraph (2) of subsection (a):".

(2) striking out in paragraph (1) "the number of such children of such families" each time that it appears and substituting "the number of such children";

(3) striking out in paragraph (2) "the number of children of such ages of families with such income" and substituting "the number of such children"; and

(4) striking out in paragraph (3) "the number of children of such ages of families of such income" and substituting "the number of such children".

(d) The third sentence of subsection (d) of such section 203 is amended by inserting ", and the number of children of such ages living in institutions for neglected or delinquent children, or being supported in foster homes with public funds," before "on the basis of".

(e) Section 203(a) of such Act is further amended by inserting after paragraph (6) as added by this Act an additional paragraph as follows:

Ante, p. 1192.

"(7) In the case of a State agency which is directly responsible for providing free public education for children in institutions for neglected or delinquent children, the maximum grant which that agency shall be eligible to receive under this title for any fiscal year shall be an amount equal to the Federal percentage of the average per pupil expenditure in that State multiplied by the number of such children in average daily attendance, as determined by the Commissioner, at schools for such children operated or supported by that State agency, in the most recent fiscal year for which satisfactory data are available. Such State agency shall use payments under this title only for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) which are designed to meet the special educational needs of such children."

ELIGIBILITY FOR GRANTS; CLARIFYING DEFINITION OF "AVERAGE PER PUPIL EXPENDITURE" IN A STATE

79 Stat. 28.
20 USC 241c.

SEC. 105. (a) (1) Section 203(b) (1) of such Act is amended by striking out all that follows "shall be" and inserting in lieu thereof "at least ten."

(2) Section 203(b) (2) of such Act is amended by striking out "shall be one hundred or more" and inserting in lieu thereof "shall be at least ten".

(b) (1) Paragraph (2) of section 203(a) of such Act is amended by inserting "or, if greater, in the United States (which for purposes of this and the last sentence of this paragraph means the fifty States and the District of Columbia)," after "average per pupil expenditure in that State".

79 Stat. 1161.

(2) Paragraph (5) of section 203(a) of such Act is amended by inserting "or, if greater, in the United States (which for purposes of this sentence means the fifty States and the District of Columbia," after "in that State".

(3) The amendments made by this subsection shall be effective with respect to fiscal years beginning after June 30, 1967.

(c) The last sentence of section 203(a) (2) of such Act is amended to read as follows: "For purposes of this subsection, the 'average per pupil expenditure' in a State, or in the United States, shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all local educational agencies as defined in section 303(6) (A) in the State, or in the United States, as the case may be, plus any direct current expenditures by the State for operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year."

Post, p. 1198.

RAISING THE LOW-INCOME FACTOR AFTER JUNE 30, 1967

SEC. 106. Section 203(c) of such Act of September 30, 1950, is amended to read as follows:

"(c) For the purposes of this section, the 'Federal percentage' shall be 50 per centum and the 'low-income factor' shall be $2,000 for the fiscal year ending June 30, 1966, and the fiscal year ending June 30, 1967. For the fiscal year ending June 30, 1968, they shall be 50 per centum and $3,000, respectively."

USING MOST RECENT AID-FOR-DEPENDENT-CHILDREN DATA AVAILABLE AFTER JUNE 30, 1966

SEC. 107. Effective with respect to fiscal years beginning after June 30, 1966, the third sentence (as amended by section 104 of this Act) of section 203(d) of such Act of September 30, 1950, is further amended to read as follows: "The Secretary of Health, Education, and Welfare shall determine the number of children of such ages from families receiving an annual income in excess of the low-income factor from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, and the number of children of such ages living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the latest calendar or fiscal year data, whichever is later." 79 Stat. 28. 20 USC 241c. 49 Stat. 627. 42 USC 601.

REPEALING PROVISION FOR SPECIAL INCENTIVE GRANTS

SEC. 108. (a) Title II of such Act of September 30, 1950, is amended by striking out section 204. 20 USC 241d.

(b) Such title II is further amended by—

(1) striking out "basic grant", "BASIC GRANTS" and "basic grants" each time they occur and inserting in lieu thereof "grant", "GRANTS" or "grants", as the case may be;

(2) striking out "or a special incentive grant" in the portion of section 205(a) which precedes clause (1); and 20 USC 241e.

(3) striking out in section 207(a)(2) the portion which follows the comma and inserting in lieu thereof "except that this amount shall not exceed the maximum amount determined for that agency pursuant to section 203." 20 USC 241g.

TREATMENT OF INCOME OF EMPLOYEES RECEIVING AID FOR DEPENDENT CHILDREN

SEC. 109. The following new section is added immediately after section 212 of such Act:

"TREATMENT OF EARNINGS FOR PURPOSES OF AID TO FAMILIES WITH DEPENDENT CHILDREN

"SEC. 213. (a) Notwithstanding the provisions of title IV of the Social Security Act, a State plan approved under section 402 of such Act shall provide that for a period of not less than twelve months, and may provide that for a period of not more than twenty-four months, the first $85 earned by any person in any month for services rendered to any program assisted under this title of this Act shall not be regarded (A) in determining the need of such person under such approved State plan or (B) in determining the need of any other individual under such approved State plan.

"(b) Notwithstanding the provisions of subsection (a) of this section, no funds to which a State is otherwise entitled under title IV of the Social Security Act for any period before the fourth month after the adjournment of the State's first regular legislative session which adjourns more than sixty days after enactment of the Elementary and Secondary Education Amendments of 1966, shall be withheld by reason of any action taken pursuant to a State statute which prevents such State from complying with the requirements of subsection (a) of this section."

PROVIDING THAT A PROGRAM OR A PROJECT MUST BE AT LEAST A CERTAIN MINIMUM SIZE TO BE APPROVED

79 Stat. 30.
20 USC 241e.

SEC. 110. Section 205(a)(1)(B) of such Act of September 30, 1950, is amended by striking out the comma after "needs" and inserting in lieu thereof the following: "and to this end involve an expenditure of not less than $2,500, except that the State educational agency may with respect to any applicant reduce the $2,500 requirement if it determines that it would be impossible, for reasons such as distance or difficulty of travel, for the applicant to join effectively with other local educational agencies for the purpose of meeting the requirement;".

USES OF GRANTED FUNDS AND COORDINATION WITH OTHER PROGRAMS

SEC. 111. (a) Section 205(a)(1) of such Act of September 30, 1950, is amended by striking out "(including the acquisition of equipment and where necessary the construction of school facilities)" and inserting in lieu thereof the following: "(including the acquisition of equipment, and, where necessary, the construction of school facilities and plans made or to be made for such programs, projects, and facilities)".

(b) Section 205(a)(1) of such Act is further amended by inserting before the semicolon at the end thereof the following: ": *Provided*, That the amount used for plans for any fiscal year shall not exceed 1 per centum of the maximum amount determined for that agency for that year pursuant to section 203 or $2,000, whichever is greater".

20 USC 241c.

(c) Section 205(a) of such Act of September 30, 1950, is amended by renumbering paragraphs (5), (6), (7), and (8) as (6), (7), (8), and (9), respectively, and by inserting after paragraph (4) the following new paragraph:

"(5) in the case of an application for payments for planning, (A) that the planning was or will be directly related to programs or projects to be carried out under this title and has resulted, or is reasonably likely to result, in a program or project which will be carried out under this title, and (B) that planning funds are needed because of the innovative nature of the program or project or because the local educational agency lacks the resources necessary to plan adequately for programs and projects to be carried out under this title;".

(d) Such redesignated paragraph (8) of such section is amended to read as follows:

"(8) in the case of a project for the construction of school facilities, that, in developing plans for such facilities due consideration has been given to compliance with such standards as the Secretary may prescribe or approve in order to insure that facilities constructed with the use of Federal funds under this title shall be, to the extent appropriate in view of the uses to be made of the facilities, accessible to and usable by handicapped persons;".

(e) Section 205(a) of such Act is further amended by striking out the period at the end of the last paragraph, and adding at the end thereof the following new paragraph:

"(10) in the case of a project for the construction of school facilities, that, in developing plans for such facilities, due consideration has been given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project)."

79 Stat. 57.
20 USC 883.

(f) Title VII of the Elementary and Secondary Education Act of 1965 (as redesignated by section 161 of this Act) is amended by inserting at the end of section 703 a new subsection as follows:

"(c) In administering the provisions of this Act and any Act amended by this Act, the Commissioner shall consult with other Fed-

eral departments and agencies administering programs which may be effectively coordinated with programs carried out pursuant to such Acts, and to the extent practicable for the purposes of such Acts shall (1) coordinate such programs on the Federal level with the programs being administered by such other departments and agencies, and (2) require that effective procedures be adopted by State and local authorities to coordinate the development and operation of programs and projects carried out under such Acts with other public and private programs having the same or similar purposes, including community action programs under title II of the Economic Opportunity Act of 1964."

78 Stat. 516.
42 USC 2781.

COMPUTING AMOUNT OF PAYMENTS FOR STATE ADMINISTRATIVE EXPENSES

SEC. 112. Clause (1) of section 207(b) of such Act of September 30, 1950, is amended to read as follows:

79 Stat. 1162.
20 USC 241g.

"(1) 1 per centum of the total maximum grants for State and local educational agencies of the State as determined for that year pursuant to sections 203 and 208, or".

PROVISIONS TO ENCOURAGE LOCAL EFFORT

SEC. 113. (a) Section 207(c)(2) of such Act of September 30, 1950, is amended by striking out "for the fiscal year ending June 30, 1964" and inserting in lieu thereof "for the second preceding fiscal year".

79 Stat. 32.

(b) Section 203(a)(3) of such Act is amended by striking out "1966" and inserting in lieu thereof "1967" and by striking out "30 per centum" both times it appears and inserting in lieu thereof "50 per centum".

20 USC 241c.

CONTINUING AND REVISING PROVISION FOR ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

SEC. 114. (a) Section 208 of such Act of September 30, 1950, is amended by striking out "for the fiscal year ending June 30, 1966," and inserting in lieu thereof "for any fiscal year".

20 USC 241h.

(b) Such section 208 is further amended by adding at the end thereof the following: "In order to permit reductions made pursuant to this section for any fiscal year to be offset at least in part, the Commissioner may set dates by which (1) State educational agencies must certify to him the amounts for which the applications of educational agencies have been or will be approved by the State, and (2) State educational agencies referred to in section 203(a)(6) must file applications. The excess of (1) the total of the amounts of the maximum grants computed for all educational agencies of any State under section 203, as ratably reduced under this section, over (2) the total of the amounts for which applications of agencies of that State referred to in clauses (1) and (2) of the preceding sentence are approved shall be available, in accordance with regulations, first to educational agencies in that State and then to educational agencies in other States to offset proportionately ratable reductions made under this section."

Ante, p. 1192.

REVISION IN NATIONAL ADVISORY COUNCIL REPORTING

SEC. 115. Section 212(c) of such Act of September 30, 1950, is amended to read as follows:

20 USC 241l.

"(c) The Council shall make an annual report of its findings and recommendations (including recommendations for changes in the provisions of this title) to the President and the Congress not later than January 31 of each calendar year beginning after the enactment of this

title. The President is requested to transmit to the Congress such comments and recommendations as he may have with respect to such report."

SHORT TITLE FOR TITLE II OF PUBLIC LAW 874, EIGHTY-FIRST CONGRESS

20 USC 241a-2411; Ante, p. 1195.

SEC. 116. Title II of such Act of September 30, 1950 (as amended by this Act), is further amended by inserting at the end thereof an additional section as follows:

"SHORT TITLE

"SEC. 214. This title may be cited as 'Title I of the Elementary and Secondary Education Act of 1965'."

DEFINITIONS

Broadening definition of "local educational agency"

64 Stat. 1108; 79 Stat. 35. 20 USC 244. 20 USC 236-241-1.

SEC. 117. (a)(1) Section 303(6) of such Act of September 30, 1950, is amended to read as follows:

"(6)(A) For purposes of title I, the term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district located within a State. Such term includes any State agency which directly operates and maintains facilities for providing free public education.

"(B) For purposes of title II, the term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school, and it also includes (except for purposes of sections 203(a)(2), 203(b), and 205(a)(1)) any State agency which is directly responsible for providing free public education for handicapped children (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education) or for children in institutions for neglected or delinquent children."

79 Stat. 28. 20 USC 241c, 241e.

79 Stat. 1161.

(2) The first sentence of section 203(a)(5) of such Act is amended by striking out ", on a non-school-district basis,".

(3) Section 203(a)(3) of such Act is amended by inserting "(A)" after "(3)" and by inserting at the end thereof a new subparagraph as follows:

"(B) In the case of local educational agencies which serve in whole or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the State educational agency may allocate the amount of the maximum grants for those agencies among them in such manner as it determines will best carry out the purposes of this title."

Providing for a more precise definition of "current expenditures"

(b) Section 303(5) of such Act is amended to read as follows:
"(5) The term 'current expenditures' means expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds granted under title II of this Act or title II or III of the Elementary and Secondary Education Act of 1965."

64 Stat. 1108; 79 Stat. 35. 20 USC 244.

79 Stat. 27. 20 USC 241a-2411; Ante, pp. 1195, 1198.

PART B—SCHOOL LIBRARY RESOURCES, TEXTBOOKS, AND OTHER INSTRUCTIONAL MATERIALS

79 Stat. 36. 20 USC 821-848.

APPROPRIATIONS AUTHORIZED

SEC. 121. Section 201(b) of the Elementary and Secondary Education Act of 1965 (Public Law 89-10) is amended to read as follows:
"(b) For the purpose of making grants under this title, there are hereby authorized to be appropriated the sum of $100,000,000 for the fiscal year ending June 30, 1966, $125,000,000 for the fiscal year ending June 30, 1967, and $150,000,000 for the fiscal year ending June 30, 1968; but for the fiscal year ending June 30, 1969, and the succeeding fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law."

20 USC 821.

REVISION IN AUTHORIZATION FOR TITLE II, AND PROVISION FOR INDIAN CHILDREN IN SCHOOLS OPERATED BY THE DEPARTMENT OF THE INTERIOR

SEC. 122. Section 202(a) of the Elementary and Secondary Education Act of 1965 is amended to read as follows:
"SEC. 202. (a)(1) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph an amount equal to not more than 3 per centum of the amount appropriated for such year for payments to States under section 201(b). The Commissioner shall allot the amount appropriated pursuant to this paragraph among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this title. In addition, for the fiscal year ending June 30, 1967, he shall allot from such amount to (A) the Secretary of the Interior the amount necessary for such assistance for children and teachers in elementary and secondary schools operated for Indian children by the Department of the Interior, and (B) the Secretary of Defense the amount necessary for such assistance for children and teachers in the overseas dependents schools of the Department of Defense. The terms upon which payments for such purpose shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.
"(2) From the sums appropriated for carrying out this title for any fiscal year pursuant to section 201(b), the Commissioner shall allot to each State an amount which bears the same ratio to the total of such sums as the number of children enrolled in the public and private elementary and secondary schools of that State bears to the total number of children enrolled in such schools in all of the States. The number of children so enrolled shall be determined by the Commissioner on the basis of the most recent satisfactory data available to

20 USC 822.

him. For purposes of this subsection, the term 'State' shall not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands."

ADMINISTRATIVE EXPENSES AND IMPROVED COORDINATION

SEC. 123. Section 203(a) of the Elementary and Secondary Education Act of 1965 is amended to read as follows through the end of clause (3) of such section:

79 Stat. 37.
20 USC 823.

"SEC. 203. (a) Any State which desires to receive grants under this title shall submit to the Commissioner a State plan, in such detail as the Commissioner deems necessary, which—

"(1) designates a State agency which shall, either directly or through arrangements with other State or local public agencies, act as the sole agency for administration of the State plan;

"(2) sets forth a program under which funds paid to the State from its allotment under section 202 will be expended solely for (A) acquisition of library resources (which for the purposes of this title means books, periodicals, documents, audiovisual materials, and other related library materials), textbooks, and other printed and published instructional materials for the use of children and teachers in public and private elementary and secondary schools in the State, and (B) administration of the State plan, including (i) the development and revision of standards relating to library resources, textbooks, and other printed and published instructional materials furnished for the use of children and teachers in the public elementary and secondary schools of the State, and (ii) the distribution and control by a local educational agency of such library resources, textbooks, and other instructional materials in carrying out such State plan for the use of children and teachers in schools referred to in clause (A), except that the amount used for administration of the State plan for any fiscal year shall not exceed an amount equal to 5 per centum of the amount paid to the State under this title for that year or $50,000, whichever is greater;

20 USC 822.

"(3) sets forth the criteria to be used in allocating library resources, textbooks, and other printed and published instructional materials provided under this title among the children and teachers of the State, which criteria shall—

"(A) take into consideration the relative need, as determined from time to time, of the children and teachers of the State for such library resources, textbooks, or other instructional materials,

"(B) provide assurance that to the extent consistent with law such library resources, textbooks, and other instructional materials will be provided on an equitable basis for the use of children and teachers in private elementary and secondary schools in the State which comply with the compulsory attendance laws of the State or are otherwise recognized by it through some procedure customarily used in the State, and

"(C) provide assurance that, in order to secure the effective and efficient use of Federal funds, there will be appropriate coordination at both State and local levels between the program carried out under this title with respect to library resources and the program (if any) carried out under the Library Services and Construction Act (20 U.S.C. ch. 16);".

70 Stat. 293; 78 Stat. 11; Ante, p. 313.

80 STAT. 1201

PART C—SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES

APPROPRIATIONS AUTHORIZED

SEC. 131. Section 301(b) of the Elementary and Secondary Education Act of 1965 is amended to read as follows: 79 Stat. 39.

"(b) For the purpose of making grants under this title, there is hereby authorized to be appropriated the sum of $100,000,000 for the fiscal year ending June 30, 1966, $175,000,000 for the fiscal year ending June 30, 1967, and $500,000,000 for the fiscal year ending June 30, 1968; but for the fiscal year ending June 30, 1969, and the succeeding fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law." 20 USC 841.

REVISION IN AUTHORIZATION FOR TITLE III, AND PROVISION FOR INDIAN CHILDREN IN SCHOOLS OPERATED BY THE DEPARTMENT OF THE INTERIOR

SEC. 132. Section 302(a) of the Elementary and Secondary Education Act of 1965 is amended to read as follows: 20 USC 842.

"SEC. 302. (a)(1) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph an amount equal to not more than 3 per centum of the amount appropriated for such year for grants under this title. The Commissioner shall apportion the amount appropriated pursuant to this paragraph among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this title. In addition, for the fiscal year ending June 30, 1967, he shall apportion from such amount to (A) the Secretary of the Interior the amount necessary for such assistance for children and teachers in elementary and secondary schools operated for Indian children by the Department of the Interior, and (B) the Secretary of Defense the amount necessary for such assistance for children and teachers in the overseas dependents schools of the Department of Defense. The terms upon which payments for such purpose shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

"(2) From the sums appropriated for carrying out this title for any fiscal year pursuant to section 301(b), the Commissioner shall apportion $200,000 to each State and shall apportion the remainder of such sums among the States as follows:

"(A) He shall apportion to each State an amount which bears the same ratio to 50 per centum of such remainder as the number of children aged five to seventeen, inclusive, in the State bears to the number of such children in all the States, and

"(B) He shall apportion to each State an amount which bears the same ratio to 50 per centum of such remainder as the population of the State bears to the population of all the States.

For the purposes of this subsection, the term 'State' does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands."

PROVISIONS WITH RESPECT TO FACILITIES CONSTRUCTED UNDER TITLE III

SEC. 133. Section 304(a)(4) of the Elementary and Secondary Education Act of 1965 is amended by striking out "and (C)" and inserting in lieu thereof the following: "(C) that, in developing plans 20 USC 844.

80 STAT. 1202

for such facilities, due consideration will be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than one per centum of the cost of the project), and there will be compliance with such standards as the Secretary may prescribe or approve in order to insure that facilities constructed with the use of Federal funds under this title shall be, to the extent appropriate in view of the uses to be made of the facilities, accessible to and usable by handicapped persons, and (D)".

SPECIAL CONSIDERATION FOR LOCAL EDUCATIONAL AGENCIES WHICH ARE FINANCIALLY OVERBURDENED

79 Stat 41.
20 USC 844.

SEC. 134. Section 304 of such Act is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) In approving applications under this title for grants for any fiscal year beginning after June 30, 1967, the Commissioner must give special consideration to the application of any local educational agency which is making a reasonable tax effort but which is nevertheless unable to meet critical educational needs, including preschool education for four and five year olds, because some or all of its schools are seriously overcrowded (as a result of growth or shifts in enrollment or otherwise), obsolete, or unsafe."

PART D—COOPERATIVE RESEARCH ACT AMENDMENTS

PERMITTING THE RESEARCH TRAINING PROGRAM TO BE CARRIED OUT THROUGH CONTRACTS AS WELL AS GRANTS

79 Stat. 44.

SEC. 141. Section 2(b) of the Cooperative Research Act (20 U.S.C. 331a) is amended to read as follows:

"(b)(1) The Commissioner is authorized to make grants to universities and colleges and other public or private agencies, institutions, and organizations to assist them in providing training in research in the field of education (including such research described in section 503(a)(4) of the Elementary and Secondary Education Act of 1965), including the development and strengthening of training staff and curricular capability for such training, and, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5), to provide by contracts or jointly financed cooperative arrangements with them for the conduct of such activities; except that no such grant may be made to a private agency, organization, or institution other than a nonprofit one.

20 USC 863.

"(2) Funds available to the Commissioner for grants or contracts or jointly financed cooperative arrangements under this subsection may, when so authorized by the Commissioner, also be used by the recipient (A) in establishing and maintaining research traineeships, internships, personnel exchanges, and pre- and post-doctoral fellowships, and for stipends and allowances (including traveling and subsistence expenses) for fellows and others undergoing training and their dependents not in excess of such maximum amounts as may be prescribed by the Commissioner, or (B) where the recipient is a State educational agency, in providing for such traineeships, internships, personnel exchanges, and fellowships either directly or through arrangements with public or other nonprofit institutions or organizations.

"(3) No grant shall be made or contract or jointly financed cooperative arrangement entered into under this subsection for training in

sectarian instruction, or for work to be done in an institution, or a department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

"(4) Prior to January 31, 1968, the Commissioner shall make a complete report to the Congress with respect to contracts and other arrangements made pursuant to this subsection with private organizations, including benefits received from such contracts and arrangements, and the Commissioner's recommendations with respect to the continuation of the authority to make such contracts and arrangements with private organizations." Report to Congress.

CONSOLIDATING RESEARCH AUTHORITY UNDER SECTION 2

SEC. 142. Section 4(b) of the Cooperative Research Act is amended by striking out the second sentence thereof. 79 Stat. 46. 20 USC 332a.

AMENDING THE DEFINITION OF "CONSTRUCTION" TO INCLUDE THE ACQUISITION OF EXISTING BUILDINGS

SEC. 143. Section 5(4) of the Cooperative Research Act is amended to read as follows: 20 USC 332b.

"(4) The terms 'construction' and 'cost of construction' include (A) the construction of new buildings, and the acquisition, expansion, remodeling, replacement, and alteration of existing buildings, including architects' fees, but not including the cost of acquisition of land (except in the case of acquisition of an existing building) or off-site improvements, and (B) equipping new buildings and existing buildings, whether or not acquired, expanded, remodeled, or altered."

PART E—GRANTS TO STRENGTHEN STATE DEPARTMENTS OF EDUCATION

APPROPRIATIONS AUTHORIZED

SEC. 151. Section 501(b) of the Elementary and Secondary Education Act of 1965 is amended to read as follows: "For the purpose of making grants under this title, there is hereby authorized to be appropriated the sum of $25,000,000 for the fiscal year ending June 30, 1966, $30,000,000 for the fiscal year ending June 30, 1967, and $50,000,000 for the fiscal year ending June 30, 1968." 79 Stat. 47. 20 USC 861.

ELIMINATION OF MATCHING REQUIREMENT

SEC. 152. (a) Section 503 of the Elementary and Secondary Education Act of 1965 is amended by striking out "(a)" where it appears after "Sec. 503.", by striking out "Federal share of", and by striking out subsection (b) of such section. 20 USC 863.

(b) Section 303(b)(3) of such Act is amended by striking out "503(a)(4)" and inserting in lieu thereof "503(4)". 20 USC 843.

(c) Section 502(b) of such Act is amended by striking out "Federal share (as defined in section 503(b)) of the" and by striking out the last sentence of paragraph (2) thereof. 20 USC 862.

(d) Section 504 of such Act is amended by striking out "section 503(a)" both times it appears and inserting in lieu thereof "section 503". 20 USC 864.

TECHNICAL AMENDMENT REGARDING INTERCHANGE OF PERSONNEL WITH STATES

79 Stat. 51.
20 USC 867.

SEC. 153. Effective as of April 11, 1965, section 507(c)(3)(D) of the Elementary and Secondary Education Act of 1965 is amended by inserting ", and for retention and leave accrual purposes," after "toward periodic or longevity step increases".

DEMONSTRATION PROJECTS TO INSURE CONTINUITY OF HEADSTART PROGRAMS

20 USC 863.

SEC. 154. Section 503 of the Elementary and Secondary Education Act of 1965 is amended by striking out "and" at the end of paragraph (9), by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and", and by adding at the end thereof the following:

"(11) evaluation and demonstration projects to insure that benefits obtained by children in Headstart and other preschool programs are not lost during their early elementary school years, but are instead enhanced so as to provide continuity in and accelerated development of the child's learning, academic and other social achievements."

PART F—HANDICAPPED CHILDREN

PROGRAMS AUTHORIZED

20 USC 881-885.

SEC. 161. The Elementary and Secondary Education Act of 1965 is amended by redesignating title VI as title VII, by redesignating sections 601 through 605 and references thereto as sections 701 through 705, respectively, and by adding after title V the following new title:

"TITLE VI—EDUCATION OF HANDICAPPED CHILDREN

"APPROPRIATIONS AUTHORIZED

"SEC. 601. (a) The Commissioner is authorized to make grants pursuant to the provisions of this title during the fiscal year ending June 30, 1967, and the succeeding fiscal year, for the purpose of assisting the States in the initiation, expansion, and improvement of programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) for the education of handicapped children (as defined in section 602) at the preschool, elementary and secondary school levels.

"(b) For the purpose of making grants under this title there is authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1967, and $150,000,000 for the fiscal year ending June 30, 1968.

"DEFINITION OF 'HANDICAPPED CHILDREN'

"SEC. 602. As used in this title, the term 'handicapped children' includes mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services.

"ALLOTMENT OF FUNDS

"SEC. 603. (a)(1) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph an amount equal to not more than 3 per centum of the amount appropriated for such year for payments to States under section 601(b). The Commissioner shall allot the amount appropriated pursuant to this paragraph among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this title.

"(2) From the total amount appropriated pursuant to section 601(b) for any fiscal year the Commissioner shall allot to each State an amount which bears the same ratio to such amount as the number of children aged three to twenty-one, inclusive, in the State bears to the number of such children in all the States. For purposes of this subsection, the term 'State' shall not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

"(b) The number of children aged three to twenty-one, inclusive, in any State and in all the States shall be determined, for purposes of this section, by the Commissioner on the basis of the most recent satisfactory data available to him.

"(c) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be required for that year shall be available for reallotment, from time to time and on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

"STATE PLANS

"SEC. 604. Any State which desires to receive grants under this title shall submit to the Commissioner through its State educational agency a State plan in such detail as the Commissioner deems necessary. The Commissioner shall not approve a State plan or a modification of a State plan under this title unless the plan meets the following requirements:

"(a) The plan must provide satisfactory assurance that funds paid to the State under this title will be expended, either directly or through local educational agencies, solely to initiate, expand, or improve programs and projects, including preschool programs and projects, (A) which are designed to meet the special educational and related needs of handicapped children throughout the State, (B) which are of sufficient size, scope, and quality (taking into consideration the special educational needs of such children) as to give reasonable promise of substantial progress toward meeting those needs, and (C) which may include the acquisition of equipment and where necessary the construction of school facilities. Nothing in this title shall be deemed to preclude two or more local educational agencies from entering into agreements, at their option, for carrying out jointly operated programs and projects under this title. The plan may provide up to 5 per centum of the amount allotted to the State for any fiscal year or

$75,000 ($25,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater, may be expended for the proper and efficient administration of the State plan (including State leadership activities and consultative services), and for planning on the State and local level.

"(b) The plan must provide satisfactory assurance that, to the extent consistent with the number and location of handicapped children in the State who are enrolled in private elementary and secondary schools, provision will be made for participation of such children in programs assisted or carried out under this title.

"(c) The plan must provide satisfactory assurance that the control of funds provided under this title, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this title, and that a public agency will administer such funds and property.

"(d) The plan must set forth policies and procedures which provide satisfactory assurance that Federal funds made available under this title will be so used as to supplement and, to the extent practical, increase the level of State, local, and private funds expended for the education of handicapped children, and in no case supplant such State, local, and private funds.

"(e) The plan must provide that effective procedures, including provision for appropriate objective measurements of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs in meeting the special educational needs of, and providing related services for, handicapped children.

"(f) The plan must provide that the State educational agency will be the sole agency for administering or supervising the administration of the plan.

"(g) The plan must provide for making such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title, including reports of the objective measurements required by paragraph (e) of this subsection; and the plan must also provide for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(h) The plan must provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the State, including any such funds paid by the State to local educational agencies.

"(i) The plan must provide satisfactory assurance that funds paid to the State under this title shall not be made available to any school for handicapped children eligible for assistance under section 203 (a)(5) of title II of Public Law 874, Eighty-first Congress.

79 Stat. 1161.
20 USC 241c.

"(j) The plan must provide satisfactory assurance, in the case of any project for construction of school facilities, that the project is not inconsistent with overall State plans for the construction of school facilities and that the requirements of section 610 will be complied with on all such construction projects.

"(k) The plan must provide satisfactory assurance that effective procedures will be adopted for acquiring and disseminating to teachers and administrators of handicapped children significant information derived from educational research, demonstration, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects.

"PAYMENTS

"SEC. 605. From the amounts allotted to each State under section 603, the Commissioner shall pay to that State an amount equal to the amount expended by the State in carrying out its State plan. These payments may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"ADMINISTRATION OF STATE PLANS

"SEC. 606. (a) The Commissioner shall not finally disapprove any State plan submitted under this title, or any modification thereof, without first affording the State agency administering the plan reasonable notice and opportunity for a hearing.

"(b) Whenever the Commission, after reasonable notice and opportunity for hearing to such State agency, finds—

"(1) that the State plan has been so changed that it no longer complies with the provisions of section 604, or

"(2) that in the administration of the plan there is a failure to comply substantially with any such provisions,

the Commissioner shall notify such State agency that the State will not be regarded as eligible to participate in the program under this title until he is satisfied that there is no longer any such failure to comply.

"JUDICIAL REVIEW

"SEC. 607. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under section 604 or with his final action under section 606(b), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. 72 Stat. 941.

"(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(c) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. 62 Stat. 928.

"NATIONAL ADVISORY COMMITTEE ON HANDICAPPED CHILDREN

"SEC. 608. (a) The Commissioner shall establish in the Office of Education a National Advisory Committee on Handicapped Children, consisting of the Commissioner, who shall be Chairman, and not more than twelve additional members, not less than 50 per centum of whom shall be persons affiliated with educational, training, or research pro-

grams for the handicapped, appointed by the Commissioner without regard to the civil service laws.

"(b) The Advisory Committee shall review the administration and operation of this Act, title II of Public Law 874, Eighty-first Congress, and other provisions of law administered by the Commissioner, with respect to handicapped children, including their effect in improving the educational attainment of such children, and make recommendations for the improvement of such administration and operation with respect to such children. These recommendations shall take into consideration experience gained under this and other Federal programs for handicapped children and, to the extent appropriate, experience gained under other public and private programs for handicapped children. The Advisory Committee shall from time to time make such recommendations as it may deem appropriate to the Commissioner and shall make an annual report of its findings and recommendations to the Commissioner not later than January 31 of 1968 and each fiscal year thereafter. The Commissioner shall transmit each such report to the Secretary together with his comments and recommendations, and the Secretary shall transmit such report, comments, and recommendations to the Congress together with any comments or recommendations he may have with respect thereto.

79 Stat. 27.
20 USC 241a-2411.
Ante, pp. 1195, 1198.
Report to Congress.

"(c) Members of the Advisory Committee who are not regular full-time employees of the United States shall, while serving on business of the Committee, be entitled to receive compensation at rates fixed by the Commissioner, but not exceeding $100 per day, including travel time; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently.

Compensation.
Ante, p. 499.

"(d) The Commissioner may, at the request of the Advisory Committee, appoint such special advisory professional or technical personnel as may be necessary to enable the Advisory Committee to carry out its duties.

"BUREAU FOR EDUCATION AND TRAINING OF THE HANDICAPPED

"SEC. 609. The Commissioner shall establish at the earliest practicable date not later than July 1, 1967, and maintain within the Office of Education a bureau for the education and training of the handicapped which shall be the principal agency in the Office of Education for administering and carrying out programs and projects relating to the education and training of the handicapped, including programs and projects for the training of teachers of the handicapped and for research in such education and training.

"LABOR STANDARDS

"SEC. 610. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this title shall be paid wages at rates not less than those prevailing on similar contruction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c)."

49 Stat. 1011; 78 Stat. 238.
64 Stat. 1267.
63 Stat 108.

PART G—DISSEMINATION OF INFORMATION

SEC. 171. Title VII of the Elementary and Secondary Education Act of 1965 (as redesignated by this Act) is amended by inserting at the end thereof a new section as follows: Ante, p. 1284.

"DISSEMINATION OF INFORMATION

"SEC. 706. (a) For the purpose of carrying out more effectively the provisions of this Act and title II of Public Law 874, Eighty-first Congress, the Commissioner— 79 Stat. 27. 20 USC 241a-241l. Ante, pp. 1195, 1198.

"(1) shall prepare and disseminate to State and local educational agencies and other appropriate agencies and institutions catalogs, reviews, bibliographies, abstracts, analyses of research and experimentation, and such other materials as are generally useful for such purpose;

"(2) may upon request provide advice, counsel, technical assistance, and demonstrations to State or local educational agencies or institutions of higher education undertaking to initiate or expand programs under this Act or such title in order to increase the quality or depth or broaden the scope of such programs, and shall inform such agencies and institutions of the availability of assistance pursuant to this clause;

"(3) shall prepare and disseminate to State and local educational agencies and other appropriate agencies and institutions an annual report setting forth developments in the utilization and adaptation of projects carried out pursuant to this Act and such title; and

"(4) may enter into contracts with public or private agencies, organizations, groups, or individuals to carry out the provisions of this section.

"(b) There are authorized to be appropriated not to exceed $1,500,000 for the fiscal year ending June 30, 1967, and not to exceed $2,000,000 for the fiscal year ending June 30, 1968, to carry out the provisions of this section."

PART H—RACIAL IMBALANCE AND COMPLIANCE WITH CIVIL RIGHTS ACT OF 1964

SEC. 181. Section 704 of the Elementary and Secondary Education Act of 1965 (as redesignated by this act, and containing a prohibition against Federal control of education) is amended by inserting the following at the end thereof and before the period: ", or to require the assignment or transportation of students or teachers in order to overcome racial imbalance".

COMPLIANCE WITH CIVIL RIGHTS ACT OF 1964

SEC. 182. The Commissioner of Education shall not defer action or order action deferred on any application by a local educational agency for funds authorized to be appropriated by this Act, by the Elementary and Secondary Education Act of 1965, by the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), by the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), or by the Cooperative Research Act, on the basis of alleged noncompliance with the provisions of title VI of the Civil Rights Act of 1964 for more than sixty days after notice is given to such local agency of such deferral unless such local agency is given the opportunity for a hearing as provided in section 602 of title VI of the Civil Rights Act of 20 USC 821 note. 20 USC 236. 20 USC 631. 20 USC 331 note. 78 Stat. 252. 42 USC 2000d-2000d-4.

1964, such hearing to be held within sixty days of such notice, unless the time for such hearing is extended by mutual consent of such local agency and the Commissioner, and such deferral shall not continue for more than thirty days after the close of any such hearing unless there has been an express finding on the record of such hearing that such local educational agency has failed to comply with the provisions of title VI of the Civil Rights Act of 1964.

78 Stat. 252.
42 USC 2000d-2000d-4.

PART I—EFFECTIVE DATE

SEC. 191. The provisions of this title shall be effective with respect to fiscal years beginning after June 30, 1966, except as specifically provided otherwise.

TITLE II—FEDERALLY AFFECTED AREAS

PART A—AMENDMENTS TO PUBLIC LAW 874

AMENDMENTS TO SECTION 3

20 USC 238.

SEC. 201. Section 3 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as amended, is amended in the following respects:

Providing an alternative means of meeting the eligibility requirement

70 Stat. 970.

(a) (1) Section 3(c) (2) (B) is amended by inserting after "amount to" the following: ", whichever is the lesser, four hundred such children, or a number of such children equal to".

(2) Section 3(c) (5) is amended by striking out "percentage requirements for eligibility under paragraphs (2) and (4) of this subsection" and by inserting in lieu thereof "requirements for eligibility under paragraphs (2) (B) and 4(C) of this subsection".

Method of determining local contribution rate

64 Stat. 1102; 67 Stat. 530, 532.

(b) Subsection (d) of section 3, relating to the computation of the local contribution rate, is amended as follows:

(1) The first sentence of subsection (d) is amended by striking out "and the local educational agency".

(2) Clauses (1) and (2) of the first sentence of subsection (d) are amended to read:

"(1) he shall place each school district within the State into a group of generally comparable school districts; and

"(2) he shall then divide (A) the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which he is making the computation, which all of the local educational agencies within any such group of comparable school districts made from revenues derived from local sources, by (B) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such second preceding fiscal year."

(3) The third sentence of subsection (d) is amended by striking out "If, in the judgment of the Commissioner, the current expenditures in those school districts which he has selected under clause (1)" and substituting in lieu thereof "If, in the judgment of the Commissioner, the current expenditures in the school districts within the generally comparable group as determined under clause (1)".

(4) The next to the last sentence of subsection (d) is amended by inserting after "as the case may be," the following: "plus any direct current expenditures by the States for the operation of such agencies", and by inserting "either of" after "funds from which". 72 Stat. 560.

Providing that children of servicemen shall be deemed to reside with a parent employed on Federal property

(c) (1) The first sentence of subsection (b) of section 3 is amended by— 67 Stat. 530. 20 USC 238.

(A) inserting "(1)" before "resided on Federal property",
(B) inserting "(2)" before "resided with a parent", and
(C) inserting before the period at the end thereof ", or (3) had a parent who was on active duty in the uniformed services (as defined in section 102 of the Career Compensation Act of 1949)". 63 Stat. 804; 76 Stat. 499.

(2) The second sentence of subsection (b) is repealed. 70 Stat. 970.

Children moving into an area as a result of an international boundary relocation

(d) Such subsection (b) of section 3 is further amended by adding at the end thereof the following new sentence: "For the purpose of computing the amount to which a local educational agency is entitled under this section for the fiscal year ending June 30, 1967, the Commissioner shall also determine the number of children (other than children to whom subsection (a) or any other provision of this subsection applies) who were in average daily attendance at such schools and for whom such agency provided free public education, during such fiscal year, as a result of a change in residence from land transferred to Mexico as part of a relocation of an international boundary of the United States."

Providing that all Federal payments will be deducted from gross entitlements on the same basis

(e) Subsection (e) of section 3 is amended to read as follows: 64 Stat. 1102; 67 Stat. 530.
"(e) In determining the total amount which a local educational agency is entitled to receive under this section (other than subsection (c)(4) thereof) for a fiscal year, the Commissioner shall deduct (1) such amount as he determines that agency derived from other Federal payments (as defined in section 2(b)(1)) but only to the extent such payments are not deducted under the last sentence of section 2(a), and only to the extent the payments are made with respect to property on which children, counted for purposes of this section, live or on which their parents work, and (2) such amount as he determines to be the value of transportation and of custodial and other maintenance services furnished such Agency by the Federal Government during such year. The Commissioner shall make no deduction under this subsection for any fiscal year in which the sum of the amounts determined under clauses (1) and (2) of the preceding sentence is less than $1,000." 20 USC 237.

MAKING THE APPROPRIATION FOR ONE FISCAL YEAR AVAILABLE THROUGH THE FOLLOWING YEAR TO MEET OBLIGATIONS OF THE CURRENT YEAR

SEC. 202. Section 5(b) of the Act of September 30, 1950, is amended by adding at the end thereof the following new sentence: "Sums appropriated pursuant to this title for any fiscal year shall remain 67 Stat. 534. 20 USC 240.

available, for obligation and payments with respect to amounts due local educational agencies under this title for such year, until the close of the following fiscal year."

STATE AID REDUCTIONS

64 Stat. 1106.
20 USC 240.

SEC. 203. Section 5 is amended by adding at the end thereof the following new subsection:

"Adjustments for Reductions in State Aid

20 USC 237-239.

"(d) The amount which a local educational agency in any State is otherwise entitled to receive under section 2, 3, or 4 for any fiscal year shall be reduced in the same proportion (if any) that the State has reduced for that year its aggregate expenditures (from non-Federal sources) per pupil for current expenditure purposes for free public education (as determined pursuant to regulations of the Commissioner) below the level of such expenditures per pupil in the second preceding fiscal year. The Commissioner may waive or reduce this reduction whenever in his judgment exceptional circumstances exist which would make its application inequitable and would defeat the purpose of this title."

WHERE A LOCAL EDUCATIONAL AGENCY CANNOT OR WILL NOT EDUCATE CHILDREN LIVING ON FEDERAL PROPERTY

67 Stat. 535.
20 USC 241.

SEC. 204. Section 6 of the Act of September 30, 1950, is amended by redesignating subsection (f) as subsection (g), and by inserting immediately after subsection (e) the following new subsection:

"(f) If no tax revenues of a State or of any political subdivision of the State may be expended for the free public education of children who reside on any Federal property within the State, or if no tax revenues of a State are allocated for the free public education of such children, then the property on which such children reside shall not be considered Federal property for the purposes of sections 3 and 4 of this Act. If a local educational agency refuses for any other reason to provide in any fiscal year free public education for children who reside on Federal property which is within the school district of that agency or which, in the determination of the Commissioner, would be within that school district if it were not Federal property, there shall be deducted from any amount to which the local educational agency is otherwise entitled for that year under section 3 or 4 an amount equal to (1) the amount (if any) by which the cost to the Commissioner of providing free public education for that year for each such child exceeds the local contribution rate of that agency for that year, multiplied by (2) the number of such children."

PROHIBITION AGAINST CERTAIN ASSIGNMENT OR TRANSPORTATION

64 Stat. 1107;
79 Stat. 35.
20 USC 242.

SEC. 205. Section 301(a) of the Act of September 30, 1950 (Public Law 874; Eighty-first Congress) is amended by inserting the following at the end thereof before the period: ", or require the assignment or transportation of students or teachers in order to overcome racial imbalance".

AMENDMENTS TO SECTION 303

SEC. 206. Section 303 of the Act of September 30, 1950, is amended in the following respects: 64 Stat. 1108; 79 Stat. 35. 20 USC 244.

Extending to all property the provision which permits Federal property used for housing to be counted as Federal property for one year after transfer by the United States

(a) Clause (B) of the next to last sentence of section 303(1) is amended by striking out "housing". 70 Stat. 972.

Repeal of exclusion of property used for provision of local benefits

(b) The last sentence of section 303(1) is amended by—
(1) striking out "(A) any real property used by the United States primarily for the provision of services or benefits to the local area in which such property is situated,"; and
(2) redesignating clauses (B), (C), and (D) as clauses (A), (B), and (C), respectively.

Authorizing the Commissioner to establish a method of counting children for the purpose of determining average daily attendance

(c) Subsection (10) of section 303 is amended to read as follows:
"(10) Average daily attendance shall be determined in accordance with State law, except that (A) the average daily attendance of children with respect to whom payment is to be made under section 3 or 4 of this Act shall be determined in accordance with regulations of the Commissioner, and (B) notwithstanding any other provision of this Act, where the local educational agency of the school district in which any child resides makes or contracts to make a tuition payment for the free public education of such child in a school situated in another school district, for purposes of this Act the attendance of such child at such school shall be held and considered (i) to be attendance at a school of the local educational agency so making or contracting to make such tuition payment, and (ii) not to be attendance at a school of the local educational agency receiving such tuition payment or entitled to receive such payment under the contract." 20 USC 238, 239.

PART B—AMENDMENTS TO PUBLIC LAW 815

EXTENDING TEMPORARY PROVISIONS FOR ONE YEAR

SEC. 221. Section 3 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), is amended by striking out "1966" and inserting in lieu thereof "1967". 78 Stat. 1109. 20 USC 633.

REDUCING PERCENTAGE INCREASE REQUIRED FOR ELIGIBILITY AND LENGTHENING INCREASE PERIOD TO FOUR YEARS

SEC. 222. (a) Section 5(c) of the Act of September 23, 1950, is amended by striking out "at least 5 per centum" and inserting in lieu thereof "at least 6 per centum". 72 Stat. 549. 20 USC 635.

(b) Section 15(6) of such Act is amended by striking out "base year" and inserting in lieu thereof "second year of the four year increase period". 20 USC 645.

(c) Section 15(15) of such Act is amended (1) by inserting "third or fourth" immediately before the phrase "regular school year" the first time that phrase occurs in the subsection, (2) by striking out

"1963–1964" and inserting in lieu thereof "1962–1963", and (3) by striking out "or the regular school year preceding such school year".

72 Stat. 556.
20 USC 645.

(d) Section 15(16) of such Act is amended by striking out "two" and inserting "four" in lieu thereof.

20 USC 635.

(e) Section 5(f) of such Act is amended to read as follows:

"(f) In determining under this section the total of the payments which may be made to a local educational agency on the basis of any application, the total number of children counted for purposes of paragraph (1), (2), or (3), as the case may be, of subsection (a) may not exceed—

"(1) the number of children whose membership at the close of the increase period for the application is compared with membership in the base period for purposes of that paragraph, minus

"(2) the number of such children whose membership at the close of the increase period was compared with membership in the base year for purposes of such paragraph under the last previous application, if any, of the agency on the basis of which any payment has been or may be made to that agency."

REDUCTION IN THE NON-FEDERAL GROWTH REQUIREMENT

SEC. 223. Section 5(d) of such Act is amended by striking out "107 per centum" and by inserting in lieu thereof "106 per centum".

EXTENDING THE TIME FOR DETERMINING THE NUMBER OF UNHOUSED CHILDREN BY AUTHORIZING THE COMMISSIONER TO MAKE THE ESTIMATE FOR A PERIOD EXTENDING TWO YEARS BEYOND THE INCREASE PERIOD

20 USC 634.

SEC. 224. Section 4 of such Act is amended by inserting "the second year following" immediately before the phrase "the increase period".

MAKING THE PROVISIONS RELATING TO INDIANS LIVING ON RESERVATIONS PERMANENT

78 Stat. 1109.
20 USC 644.

SEC. 225. (a) The first sentence of section 14(b) of such Act is amended by striking out "ending prior to July 1, 1966," and ", not to exceed $60,000,000 in the aggregate,".

(b) The third sentence of section 14(b) is amended by striking out ", except that after June 30, 1966, no agreement may be made to extend assistance under this section".

PROVIDING THAT CHILDREN WHO HAVE A PARENT IN THE UNIFORMED SERVICES WILL BE CONSIDERED AS FEDERALLY CONNECTED

20 USC 635.

SEC. 226. (a) Section 5(a)(1) of such Act is amended by inserting ", (A) who so resided" immediately before the phrase "with a parent employed on Federal property" and by inserting immediately before the comma preceding the phrase "multiplied by 95 per centum" the following: ", or (B) who had a parent who was on active duty in the uniformed services (as defined in section 102 of the Career Compensation Act of 1949)".

63 Stat. 804;
76 Stat. 499.

(b)(1) The first sentence of section 5(a)(2) of such Act is amended by inserting "(A)" after "children", by inserting "(B)" immediately before "residing with a parent", and by inserting after "school dis-

trict)," the following: "or (C) who had a parent who was on active duty in the uniformed services (as defined in section 102 of the Career Compensation Act of 1949),".

(2) The second sentence of section 5(a)(2) of such Act is repealed. 63 Stat. 804; 76 Stat. 499. 72 Stat. 549. 20 USC 635.

CHILDREN MOVING INTO AN AREA AS A RESULT OF AN INTERNATIONAL BOUNDARY RELOCATION

SEC. 227. Section 5(a) of such Act is further amended by striking out the period at the end of clause (3), by inserting "; and" in lieu thereof, and by inserting immediately after clause (3) the following new clause:

"(4) for the fiscal year ending June 30, 1967, the estimated number of children, without regard to the limitation in subsection (d), whose membership in the schools of such local educational agency resulted from a change in residence from land transferred to Mexico as part of a relocation of an international boundary of the United States, multiplied by 50 per centum of the average per pupil cost of constructing minimum school facilities in the State in which the school district of such agency is situated."

PROVIDING FOR TRANSFER OF TITLE TO FACILITIES TO THE LOCAL EDUCATIONAL AGENCY WHERE IT IS IN THE FEDERAL INTEREST TO DO SO

SEC. 228. Section 10 of such Act is amended by inserting "(a)" immediately before the first word thereof, and by adding the following new subsection: 20 USC 640.

"(b) When the Commissioner determines it is in the interest of the Federal Government to do so, he may transfer to the appropriate local educational agency all the right, title, and interest of the United States in and to any facilities provided under this section (or sections 204 or 310 of this Act as in effect January 1, 1958). Any such transfer shall be without charge, but may be made on such other terms and conditions, and at such time as the Commissioner deems appropriate to carry out the purposes of this Act." 64 Stat. 972; 67 Stat. 526. 20 USC 274 note, 300 note.

WHERE A LOCAL EDUCATIONAL AGENCY CANNOT OR WILL NOT EDUCATE CHILDREN LIVING ON FEDERAL PROPERTY

SEC. 229. Section 10 of such Act is further amended by adding an additional new subsection as follows:

"(c) If no tax revenues of a State or of any political subdivision of the State may be expended for the free public education of children who reside on any Federal property within the State, or if no tax revenues of a State are allocated for the free public education of such children, then the property on which such children reside shall not be considered Federal property for the purposes of section 5 of this Act."

REPEAL OF EXCLUSION OF PROPERTY USED FOR PROVISION OF LOCAL BENEFITS

SEC. 230. The last sentence of section 15(1) of such Act is amended by— 20 USC 645.

(1) striking out "(A) any real property used by the United States primarily for the provision of services or benefits to the local area in which such property is situated,"; and

(2) redesignating clauses (B), (C), and (D) as clauses (A), (B), and (C), respectively.

PROVIDING THAT MINIMUM SCHOOL FACILITIES BE USABLE BY HANDICAPPED PERSONS AND HAVE CERTAIN OTHER FEATURES

72 Stat. 556.
20 USC 645.

SEC. 231. Section 15(10) of such Act, relating to the definition of "minimum school facilities", is amended by adding at the end thereof the following: "Such regulations shall (A) require the local educational agency concerned to give due consideration to excellence of architecture and design, (B) provide that no facility shall be disqualified as a minimum school facility because of the inclusion of works of art in the plans therefor if the cost of such works of art does not exceed 1 per centum of the cost of the project, and (C) require compliance with such standards as the Secretary may prescribe or approve in order to insure that facilities constructed with the use of Federal funds under this Act shall be, to the extent appropriate in view of the uses to be made of the facilities, accessible to and usable by handicapped persons."

INCLUDING AMERICAN SAMOA IN DEFINITION OF "STATE"

SEC. 232. Section 15(13) of such Act, relating to the definition of "State," is amended by inserting "American Samoa," immediately before "the Virgin Islands".

PART C—EFFECTIVE DATE

SEC. 241. The amendments made by this title shall be effective for fiscal years beginning after June 30, 1966, except that (1) the amendment made by section 201(b) shall be effective for fiscal years beginning after June 30, 1967, and (2) if the amendment made by section 204 or 229 would have reduced payments to a local educational agency for the fiscal year ending June 30, 1966 (if it had been in effect for that year), the amendment shall not apply to that local educational agency for fiscal years ending prior to July 1, 1968.

TITLE III—ADULT EDUCATION

SHORT TITLE

SEC. 301. This title may be cited as the "Adult Education Act of 1966".

STATEMENT OF PURPOSE

SEC. 302. It is the purpose of this title to encourage and expand basic educational programs for adults to enable them to overcome English language limitations, to improve their basic education in preparation for occupational training and more profitable employment, and to become more productive and responsible citizens.

DEFINITIONS

SEC. 303. As used in this title—

(a) The term "adult" means any individual who has attained the age of eighteen.

(b) The term "adult education" means services or instruction below the college level (as determined by the Commissioner), for adults who—

(1) do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education, and

(2) are not currently enrolled in schools.

(c) The term "adult basic education" means education for adults whose inability to speak, read, or write the English language constitutes a substantial impairment of their ability to get or retain employment commensurate with their real ability, which is designed to help eliminate such inability and raise the level of education of such individuals with a view to making them less likely to become dependent on others, to improving their ability to benefit from occupational training and otherwise increasing their opportunities for more productive and profitable employment, and to making them better able to meet their adult responsibilities.

(d) The term "Commissioner" means the Commissioner of Education.

(e) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools; except that if there is a separate board or other legally constituted local authority having administrative control and direction of adult education in public schools therein, such term means such other board or authority.

(f) The term "State" includes the District of Columbia, and (except for the purposes of section 305(a)) the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(g) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or if there is a separate State agency or officer primarily responsible for supervision of adult education in public schools then such agency or officer may be designated for the purposes of this title by the Governor or by State law. If no agency or officer qualifies under the preceding sentence, such term shall mean an appropriate agency or officer designated for the purposes of this title by the Governor.

GRANTS TO STATES FOR ADULT BASIC EDUCATION

SEC. 304. (a) From the sums appropriated pursuant to section 314, not less than 10 per centum nor more than 20 per centum shall be reserved for the purposes of section 309.

(b) From the remainder of such sums, the Commissioner is authorized to make grants to States, which have State plans approved by him under section 306 for the purposes of this section, to pay the Federal share of the cost of the establishment or expansion of adult basic education programs to be carried out by local educational agencies.

ALLOTMENT FOR ADULT BASIC EDUCATION

SEC. 305. (a) From the sums available for purposes of section 304(b) for any fiscal year, the Commissioner shall allot not more than 2 per centum thereof among Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands according to their respective needs for assistance under such section. From the remainder of such sums he shall allot to each State an amount which bears the same ratio to such remainder as the number

of adults who have completed not more than five grades of school (or have not achieved an equivalent level of education) in such State bears to the number of such adults in all States.

(b) The portion of any State's allotment under subsection (a) for a fiscal year which the Commissioner determines will not be required, for the period such allotment is available, for carrying out the portion of the State plan relating to adult basic education approved under this title shall be available for reallotment from time to time, on such dates during such period as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates such State needs and will be able to use for such period for carrying out such portion of its State plan approved under this title, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

STATE PLANS

SEC. 306. (a) Any State desiring to receive its allotment of Federal funds for any grant under this title shall submit through its State educational agency a State plan. Such State plan shall be in such detail as the Commissioner deems necessary, and shall—

(1) set forth a program for the use of grants, in accordance with section 304(b), which affords assurance of substantial progress, with respect to all segments of the adult population and all areas of the State, toward carrying out the purposes of such section;

(2) provide for the administration of such plan by the State educational agency;

(3) provide for cooperative arrangements between the State educational agency and the State health authority authorizing the use of such health information and services for adults as may be available from such agencies and as may reasonably be necessary to enable them to benefit from the instruction provided pursuant to this title;

(4) provide for grants to public and private nonprofit agencies for special projects, teacher-training and research;

(5) provide for cooperation with Community Action programs, Work Experience programs, VISTA, Work Study, and other programs relating to the anti-poverty effort;

(6) provide that such agency will make such reports to the Commissioner, in such form and containing such information, as may reasonably be necessary to enable the Commissioner to perform his duties under this title and will keep such records and afford such access thereto as the Commissioner finds necessary to assure the correctness and verification of such reports;

(7) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid the State under this title (including such funds paid by the State to local educational agencies); and

(8) provide such further information and assurances as the Commissioner may by regulation require.

(b) The Commissioner shall not finally disapprove any State plan submitted under this title, or any modification thereof, without first affording the State educational agency reasonable notice and opportunity for a hearing.

PAYMENTS

SEC. 307. (a) Except as provided in subsection (b), the Federal share of expenditures to carry out a State plan shall be paid from a State's allotment available for grants to such State. For the fiscal year ending June 30, 1967, and the succeeding fiscal year, the Federal share for each State shall be 90 per centum.

(b) No payment shall be made to any State from its allotment for any fiscal year unless the Commissioner finds that the amount available for expenditure by such State for adult education from non-Federal sources for such year will be not less than the amount expended for such purposes from such sources during the preceding fiscal year.

(c) Payments to a State under this title may be in installments and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments.

OPERATION OF STATE PLANS; HEARINGS AND JUDICIAL REVIEW

SEC. 308. (a) Whenever the Commissioner after reasonable notice and opportunity for hearing to the State educational agency administering a State plan approved under this title, finds that—

(1) the State plan has been so changed that it no longer complies with the provisions of section 306, or

(2) in the administration of the plan there is a failure to comply substantially with any such provision.

the Commissioner shall notify such State agency that no further payments will be made to the State under this title (or in his discretion, that further payments to the State will be limited to programs under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments may be made to such State under this title (or payments shall be limited to programs under or portions of the State plan not affected by such failure).

(b) A State educational agency dissatisfied with a final action of the Commissioner under section 306 or subsection (a) of this section may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to the review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States

72 Stat. 941.

62 Stat. 928.

Code. The commencement of proceedings under this subsection shall not unless so specifically ordered by the court operate as a stay of the Commissioner's action.

SPECIAL EXPERIMENTAL DEMONSTRATION PROJECTS AND TEACHER TRAINING

SEC. 309. (a) The sums reserved in section 304(a) for the purposes of this section shall be used for making special project grants or providing teacher-training grants in accordance with this section.

(b) The Commissioner is authorized to make grants to local educational agencies or other public or private nonprofit agencies, including educational television stations, for special projects which will be carried out in furtherance of the purposes of this title, and which—

(1) involve the use of innovative methods, systems, materials, or programs which the Commissioner determines may have national significance or be of special value in promoting effective programs under this title, or

(2) involve programs of adult education, carried out in cooperation with other Federal, federally assisted, State, or local programs which the Commissioner determines have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with basic educational deficiencies.

The Commissioner shall establish procedures for making grants under this subsection which shall require a non-Federal contribution of at least 10 per centum of the costs of such projects wherever feasible and not inconsistent with the purposes of this subsection.

(c) The Commissioner is authorized to provide (directly or by contract), or to make grants to colleges or universities, State or local educational agencies, or other appropriate public or private nonprofit agencies or organizations, to provide training to persons engaged, or preparing to engage, as personnel in adult education programs designed to carry out the purposes of this title, with such stipends and allowances, if any (including traveling and subsistence expenses), for persons undergoing such training and their dependents as the Commissioner may by regulation determine.

ADVISORY COMMITTEE ON ADULT BASIC EDUCATION

SEC. 310. (a) The President shall, within ninety days of enactment of this title appoint a National Advisory Committee on Adult Basic Education.

(b) The National Advisory Committee shall have eight members, consisting of the Commissioner of Education, who shall be chairman, and seven other members who shall, to the extent possible, include persons knowledgeable in the field of adult education, State and local public school officials, and other persons having special knowledge and experience, or qualifications with respect to adult basic education, and persons representative of the general public. Such Advisory Committee shall meet at the call of the chairman but not less often than twice a year.

(c) The Advisory Committee shall advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of

programs under this title and other programs offering adult education activities and services.

(d) The Advisory Committee shall review the administration and effectiveness of the adult basic education program and other federally supported adult education programs as they relate to adult basic education, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations. The Secretary of Health, Education, and Welfare shall coordinate the work of this committee with that of other related advisory committees. Report to President and Congress.

(e) Members of the Advisory Committee who are not regular full-time employees of the United States, shall, while serving on the business of the Committee, be entitled to receive compensation at rates fixed by the Commissioner, but not exceeding $100 per day, including travel time; and, while so serving away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently. Compensation. Ante, p. 499.

(f) The Commissioner shall engage such technical assistance as may be required to carry out the functions of the Advisory Committee, and the Commissioner shall, in addition, make available to the Advisory Committee such secretarial, clerical, and other assistance and such pertinent data prepared by the Department of Health, Education, and Welfare as it may require to carry out its functions.

(g) In carrying out its functions pursuant to this section, the Advisory Committee may utilize the services and facilities of any agency of the Federal Government, in accordance with agreements between the Secretary of Health, Education, and Welfare and the head of such agency.

ADMINISTRATION

SEC. 311. (a) The Commissioner is authorized to delegate any of his functions under this title, except the making of regulations, to any officer or employee of the Office of Education.

(b) In administering the provisions of this title, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or institution, in accordance with agreements between the Secretary and the head thereof.

FEDERAL CONTROL PROHIBITED

SEC. 312. (a) Nothing contained in this title shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system.

(b) The National Advisory Committee on Adult Basic Education is authorized to encourage the establishment of State and local adult education advisory committees in order to improve reporting of State and local administration of programs under this title. Such local and State advisory committees may be existing groups or especially estab-

lished by State and local administrators of the programs to assure that the local program is meeting the needs of the community.

LIMITATION

SEC. 313. No grant may be made under this title for any educational program, activity, or service related to sectarian instruction or religious worship, or provided by a school or department of divinity. For purposes of this section, the term "school or department of divinity" means an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects.

APPROPRIATIONS AUTHORIZED

SEC. 314. There is authorized to be appropriated $40,000,000 for the fiscal year ending June 30, 1967, and $60,000,000 for the fiscal year ending June 30, 1968, for the purposes of this title.

REPEALER

SEC. 315. Part B of title II of the Economic Opportunity Act of 1964 is repealed.

78 Stat. 520.
42 USC 2801-2807.

Approved November 3, 1966.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 1814, 1814 pt. II (Comm. on Education and Labor) and No. 2309 (Comm. of Conference).
SENATE REPORT No. 1674 accompanying S. 3046 (Comm. on Labor and Public Welfare).
CONGRESSIONAL RECORD, Vol. 112 (1966):
Oct. 5: Considered in House.
Oct. 6: Considered and passed House.
Oct. 5, 6: S. 3046 considered and passed Senate.
Oct. 7: Considered and passed Senate, amended, in lieu of S. 3046.
Oct. 19: Senate agreed to conference report.
Oct. 20: House agreed to conference report.